REMARKS

In response to the above-identified Office Action, Applicants amend the application, submit the following remarks and seek reconsideration thereof. In this response, Applicants amend claims 16, 20 and 23. Applicants do not cancel any claims or add any new claims. Accordingly, claims 1-9, 11-17, 19, 20 and 22-29 are pending.

I. Claims Rejected Under 35 U.S.C. §102(b)

Claims 1-9, 11-12, 15-17, 19, 20 and 22-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,619,247 issued to Russo, (hereinafter "Russo"). Applicants respectfully disagree for the following reasons.

To anticipate a claim, the reference must teach every element of the claim. (See MPEP § 2131). Moreover, a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art. (See MPEP § 2123(I)).

In regard to claims 1, 8, 11 and 26, these claims include the elements of "selecting substantially automatically, multimedia-content *to be broadcast* to the consumer based on predetermined criteria set by a provider and the receiving" (emphasis added) or similar elements. Russo does not teach these elements of claims 1, 8, 11 and 26. Rather, Russo teaches a method where movies are selected to be downloaded and programs, videos and audio are selected to be recorded, not "to be broadcast." (See col.3 lines 3-16, col. 7, lines 12-20 and col. 9, line 49 – col. 10, line 10). Moreover, because Russo's written description does not provide a definition for the terms "downloading," "recording" and "unlocking," the plain meaning of the words to one having ordinary skill the art should be imputed to the terms. In particular, the word

"downloading" reasonably suggests to one having ordinary skill the art "[t]o transfer (data or programs) from a server or host computer to one's own computer or device." (See Houghton Mifflin Company, The American Heritage Dictionary of the English Language (4th ed. 2000), download). Furthermore, the word "recording" reasonably suggests to one having ordinary skill the art "[t]o set down for preservation in writing or other permanent form." (See Houghton Mifflin Company, The American Heritage Dictionary of the English Language (4th ed. 2000), record). Thus, in contrast to broadcasting, "downloading" and "recording" suggest a one-to-one relationship between a single consumer or a single piece of equipment and the provider. Consequently, downloading and recording are not synonymous with broadcasting. Accordingly, selecting content to be downloaded and recorded is not synonymous with selecting content to be broadcast. Moreover, Russo teaches a method of unlocking services. (See col. 6, lines 1-33). However, the word "unlocking" reasonably suggests to one having ordinary skill the art "[t]o give access to." (See Houghton Mifflin Company, The American Heritage Dictionary of the English Language (4th ed. 2000), unlock). Therefore, similar to recording and in contrast to broadcasting, unlocking suggests a one-to-one relationship. Consequently, because broadcasting is distinct from downloading, recording, and unlocking, Russo does not teach all of the elements of claims 1, 8, 11, and 26. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 1, 8, 11 and 26 are respectfully requested.

In regard to claims 16 and 20, these claims have been amended to include the element of "deleting unconsumed multimedia-content stored in the storage area, wherein deleting is based on an auto management scheme provided by a provider." Russo does not teach this element of claims 16 and 20. Rather, Russo teaches a method where a program is erased based on consumer preference and a method where a program is erased automatically either while the program is

being consumed or immediately after the program is consumed. (See col. 4 lines 53-55 and col 11 lines 11-15). However, Russo is silent about deleting unconsumed content based on an auto management scheme provided by a provider. Accordingly, reconsideration and withdrawal of the anticipation rejection of claims 16 and 20 are respectfully requested.

In regard to claim 23, the claim has been amended to include the element of "wherein unconsumed multimedia-content is deleted based on an auto management scheme provided by a provider." Therefore, the additional limitation of claim 23 corresponds to the limitations of claims 16 and 20. Thus, at least for the reason mentioned in regard to claims 16 and 20 this claim is not anticipated by Russo. Accordingly, reconsideration and withdrawal of the anticipation rejection of claim 23 are respectfully requested.

In regard to claims 2-7, 9, 12, 15, 17, 19, 22, 24-25 and 27-29, these claims depend from the independent claims 1, 8, 11, 16, 20, 23 and 26 and incorporate the limitations thereof. Thus, at least for the reason mentioned in regard to independent claims 1, 8, 11, 16, 20, 23 and 26, these claims are not anticipated by Russo. Accordingly, reconsideration and withdrawal of the anticipation rejections of claims 2-7, 9, 12, 15, 17, 19, 22, 24-25 and 27-29 are respectfully requested.

II. Claims Rejected Under 35 U.S.C. §103

Claims 13 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Russo in view of an OFFICIAL NOTICE that the broadcasting protocols limitations in the claims are notoriously well known in the art.

To establish a *prima facie* case of obviousness the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP § 2143).

Claims 13 and 14 depend from independent claim 11 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claim 11, Russo does not teach or suggest all the limitations of claims 13 and 14. Moreover, the OFFICIAL NOTICE does not address the deficiencies of Russo. Therefore, because Russo in view of the OFFICIAL NOTICE does not teach or suggest all the claim limitations of claims 13 and 14, claims 13 and 14 are not obvious. Accordingly, reconsideration and withdrawal of the obviousness rejections of claims 13 and 14 are respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe that all claims now pending, namely claims 1-9, 11-17, 19, 20 and 22-29, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: July 11, 2006

Thomas M. Coester, Reg. No. 39,637

12400 Wilshire Boulevard, 7th Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF TRANSMISSION:

I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office at Fax No. (571) 273-8300, Attention Examiner Son P. Huynh

Susan M. Barreue — July 11, 2006